



END OF SESSION — SF 444 — SAFER ROADS

Description: [Senate File 444](#) relates to public safety on highways. Current law states that a person commits a Class C felony when the person unintentionally causes the death of another person by driving a motor vehicle in a reckless manner. This Act states that usage of a hand-held electronic communication device while driving a motor vehicle will be considered prima facie evidence that the offender was driving the motor vehicle in a reckless manner and is subject to a Class C felony.

The Act also directs the Department of Public Safety (DPS) to establish a statewide sobriety and drug monitoring program (also known as a 24/7 Sobriety Program), and allows local jurisdictions to apply for participation. Participating law enforcement agencies are directed to set up a Sobriety Program Account to collect participant, enrollment, and testing fees. The DPS is also required to provide and approve the use of a program data management system for reporting on the Program.

The Judicial Branch, the Department of Corrections (DOC), and the Board of Parole may order or place a participant in the 24/7 Sobriety Program as a condition of any bond or pretrial release, receipt of a suspended sentence or probation, or as a condition of parole. An eligible offense for placement in a 24/7 Sobriety Program includes:

- A first offense in which the offender's Blood Alcohol Content is higher than .15.
- A first offense in which an accident resulted in personal injury or property damage.
- A first offense in which the offender refused to submit to a chemical test.
- A second or subsequent offense.

A person who has not been required to participate but has been charged with, pled guilty to, or been convicted of an eligible offense may voluntarily request to participate in the 24/7 Sobriety Program in a participating jurisdiction. A participant in the Program must also install an ignition interlock device on all motor vehicles they own or operate.

The DPS is required to submit a report to the General Assembly outlining the effectiveness of the Program and making recommendations by December 1, 2021. The 24/7 Sobriety Program is repealed as of July 1, 2022.

Fiscal Impact: The costs to the General Fund for the DOT and the DOC are estimated to be minimal. Costs to the DPS to develop and administer a 24/7 Sobriety Program will be paid for by the established participation fees, which will be set at an amount sufficient to pay for the costs of the Program in the participating jurisdictions. These fees will be collected by the local jurisdictions and deposited into a Sobriety Program Account. Federal grant funding through the National Highway Traffic Safety Administration may be available to Iowa with the establishment of a 24/7 Sobriety Program.

Minority Impact: There is no minority impact.

Correctional Impact: In FY 2016 there were 16 homicide by vehicle (reckless driving) convictions. It is estimated that there would be an annual increase of one Class C felony conviction under this Act that would result in one additional prison admission.

Enactment Date: This Act was approved by the General Assembly on April 12, 2017, and signed by the Governor on April 17, 2017.

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